

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC., 7983794 ONTARIO INC.,  
(c.o.b.) as UNION: LOCAL 613 and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,  
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS, CHAD  
EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANSEN, JASON LAFACE,  
TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN, NICHOLAS ST. LOUIS  
(a.k.a. @NOBODY CARIBOU), FREEDOM 2022 HUMAN RIGHTS AND  
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DOE 59, JOHN DOE 60,  
JANE DOE 1 and JANE DOE 2

Defendants

**MOTION RECORD OF THE INTERESTED PARTY  
THE TORONTO-DOMINION BANK**

March 8, 2022

**McCarthy Tétrault LLP**  
Suite 5300, Toronto Dominion Bank Tower  
Toronto ON M5K 1E6

**Geoff Hall** LSO#: 34701O  
[ghall@mccarthy.ca](mailto:ghall@mccarthy.ca)  
Tel: 416-601-7856  
**Leah Ostler** LSO#: 73301C  
[lostler@mccarthy.ca](mailto:lostler@mccarthy.ca)  
Tel: 416-601-8285

Lawyers for the Interested Party  
The Toronto-Dominion Bank

TO: **Lenczner Slaght LLP**  
130 Adelaide Street West  
Suite 2600  
Toronto ON M5H 3P5

**Monique J. Jilesen**  
[mjilesen@litigate.com](mailto:mjilesen@litigate.com)  
Tel: 416-865-2926

**Madison Robins**  
[mrobins@litigate.com](mailto:mrobins@litigate.com)  
Tel: 416-865-3736

**Sarah Bittman**  
[sbittman@litigate.com](mailto:sbittman@litigate.com)  
Tel: 416-865-9673

**Jessica Kras**  
[jkras@litigate.com](mailto:jkras@litigate.com)  
Tel: 416-865-3718

Acting as Agent to Champ & Associates  
Counsel for the Plaintiffs

AND TO: **Investigation Counsel**  
Suite 1100  
350 Bay Street  
Toronto ON M5H 2S6

**Norman J. Groot**  
[ngroot@investigationcounsel.com](mailto:ngroot@investigationcounsel.com)  
Tel: 416-637-3141

Counsel for the Defendants/Responding Parties  
Benjamin Dichter, Tamara Lich, Chris Garrah  
and Freedom 2022 Human Rights and Freedoms

AND TO: **Nicholas St. Louis**  
[btcdiplomat1@tutanota.com](mailto:btcdiplomat1@tutanota.com)

Defendant/Responding Party

AND TO: **Patrick King**  
[patrickking@canada-unity.com](mailto:patrickking@canada-unity.com)

Defendant/Responding Party

AND TO: **Ministry of the Attorney General**  
720 Bay Street  
10<sup>th</sup> Floor  
Toronto ON M7A 2S9

**Melissa Adams**  
[Melissa.adams@ontario.ca](mailto:Melissa.adams@ontario.ca)  
Tel: 289-707-3139

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

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**MOTION RECORD OF THE INTERESTED PARTY  
THE TORONTO-DOMINION BANK**

**INDEX**

**TAB**

- |   |                                                                                       |
|---|---------------------------------------------------------------------------------------|
| 1 | Affidavit of Virginia Fletcher sworn March 8, 2022                                    |
| A | Exhibit A: Issued Notice of Motion for Interpleader Application,<br>February 14, 2022 |

- B Exhibit B: Mareva Order, February 17, 2022
- C Exhibit C: Order Varying and Extending the Mareva Injunction,  
February 28, 2022
- D Exhibit D: Endorsement of Justice C. MacLeod, February 28, 2022
- E Exhibit E: Draft Order, March 9, 2022

**TAB 1**

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

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**AFFIDAVIT OF VIRGINIA FLETCHER  
(Sworn March 8, 2022)**

I, VIRGINIA FLETCHER, of the City of Toronto, MAKE OATH AND SAY:

**Introduction**

1. I am a Law Clerk at McCarthy Tétrault LLP, counsel for The Toronto-Dominion Bank (“**TD Bank**”). I have been assisting Geoff R. Hall and Leah Ostler, who are counsel

for TD Bank on the Interpleader Application (as that term is defined below). As such, I have knowledge of the matters to which I hereinafter depose, except where I have obtained information from others, in which case I have identified the source of my information and in all cases believe the information that I am conveying to be true.

2. TD Bank seeks an order, on consent of all interested parties, to pay to the Escrow Agent certain funds that are currently on deposit with TD Bank but consist of the same class of assets that the Escrow Agent is already holding, in order to permit orderly administration of all assets of the same class in a single proceeding.

### **The Interpleader Application**

3. On February 14, 2022, TD Bank issued an interpleader application on the Commercial List of this Court under Court File No. CV-22-00676865-00CL (the “**Interpleader Application**”). The notice of application for the Interpleader Application is at **Exhibit A** to this affidavit.

4. The Interpleader Application has not yet been heard, nor has a hearing date been scheduled yet.

5. The Interpleader Application relates to the sum of \$1,393,406.98 currently on deposit in two personal bank accounts at TD Bank that are not beneficially owned by the account holders, and which have apparently been advanced for the purpose and benefit of the Freedom Convoy campaign. The funds are referred to in the Interpleader Application as the “**Deposited Funds**”.



6. There is at least a partial overlap between the Deposited Funds and the assets that are the subject to the Mareva injunction order granted by this court on February 17, 2022 (the “**Mareva Order**”). The Mareva Order is at **Exhibit B** to this affidavit.

**Proposed payment of the Deposited Funds to the Escrow Agent**

7. On February 28, 2022, this Court made an order varying and extending the Mareva Order (the “**Order Varying and Extending the Mareva Injunction**”). Among other relief, the Order Varying and Extending the Mareva injunction appointed an Escrow Agent as an officer of this Court, for the purpose of taking possession of certain assets referred to as the Escrow Assets. The Order Varying and Extending the Mareva Injunction is at **Exhibit C** to this affidavit. The endorsement made in connection with the Order Varying and Extending the Mareva Injunction, which makes reference to the appearance of counsel for TD Bank at the hearing on February 28, 2022, is at **Exhibit D** to this affidavit.

8. In addition to there being at least a partial overlap between the Deposited Funds and the funds that are the subject of the Mareva Order, it appears that the Deposited Funds belong to *exactly* the same class of assets as the Escrow Assets – in other words, assets advanced for the purpose and benefit of the Freedom Convoy campaign.

9. It would therefore be inefficient for assets of the same class to be administered in two separate proceedings in this Court, with (i) the Escrow Assets being administered by the Escrow Agent in this action; and (ii) the Deposited Assets being administered within the Interpleader Application.

10. Accordingly, upon appointment of the Escrow Agent, Mr. Hall and Ms. Ostler made inquiries of the parties who appeared at the hearing on February 28, 2022 (specifically the plaintiffs and defendants in this action, the Escrow Agent, and the Ministry of the Attorney General on behalf of the Attorney General of Ontario), to determine if those parties would be agreeable to an order paying the Deposited Funds to the Escrow Agent.

11. All interested parties agreed.

12. Mr. Hall and Ms. Ostler have circulated a draft order to the interested parties, in the form at **Exhibit E** to this affidavit. I am advised by Mr. Hall and Ms. Ostler that all parties have agreed to this form of order.

13. Accordingly, TD Bank will, at the return of this matter before the Court on March 9, 2022, seek an order in the form at **Exhibit E** to this affidavit.

**SWORN BEFORE ME:**

☐

in person

☒

by video conference

by Virginia Fletcher at the City of Toronto, before me on March 8, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (*or as may be*)

---

Signature of Commissioner (*or as may be*)

---

Signature of Deponent

**TAB A**

*This is Exhibit " A " referred to in the  
Affidavit of Virginia Fletcher  
sworn before me, this 8th day of March, 2022*

---

*A Commissioner for taking Affidavits*



Electronically issued  
Délivré par voie électronique : 14-Feb-2022  
Toronto

Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

In the matter of an application by The Toronto-Dominion Bank for an interpleader order in respect of certain funds on deposit that are not beneficially owned by the account holders and have been advanced to the account holders for a specific purpose, but the notional beneficiaries are not identified or identifiable

THE TORONTO-DOMINION BANK

Applicant

APPLICATION UNDER Rule 43.02(1) of the *Rules of Civil Procedure*,  
R.R.O. 1990, Reg 194

**NOTICE OF APPLICATION**

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing

☐

In person

☐

By telephone conference

☒

By video conference

on a date and at a time to be set by the Commercial List office.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE

WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date February 14, 2022

Issued by \_\_\_\_\_  
Local registrar

Address of 330 University Avenue  
court office Toronto, ON M5G 1R7

## APPLICATION

1. The Toronto-Dominion Bank (“**TD**”) makes application for:
  - (a) an interpleader order:
    - (i) directing TD to pay into Court the Deposited Funds (as defined below), and
    - (ii) setting out a procedure for interested parties with a potential beneficial interest in the Deposited Funds to determine the intended purpose and appropriate distribution of the Deposited Funds;<sup>1</sup>
  - (b) pursuant to Rule 43.04(1)(b) of the *Rules of Civil Procedure*, an order that upon payment of the Deposited Funds into Court pursuant an order granted in response to the request in para. 1(a) above, the liability of TD in respect of the Deposited Funds is extinguished;
  - (c) a sealing order solely in respect of those portions of the court file that refer to personal and confidential information, specifically the exhibits to the affidavit of **TD Representative** identified as referring to personal and confidential information;
  - (d) TD does not seek costs of this application; and

---

<sup>1</sup> For clarity, TD acknowledges that it does not have any potential beneficial interest in the Deposited Funds, and will therefore not participate in the procedure to determine the intended purpose and appropriate distribution of the Deposited Funds.

- (e) such further and other relief as counsel may request and the Court may permit.

2. The grounds for the application are:

- (a) This application is necessary because TD finds itself in the position that it is holding certain funds on deposit in two personal bank accounts that are not beneficially owned by the account holders and have apparently been advanced to the account holders for various specific purposes, but the notional beneficiaries are not identified or identifiable and the specific purposes of the funds are not known to TD. Accordingly, TD requires the assistance of the Court to ensure that the funds are made available to the notional beneficiaries and for the intended purposes, or that the funds be returned to those who are seeking or may seek and are entitled to returns.
- (b) TD is a chartered bank headquartered in Toronto, Ontario.
- (c) TD is currently holding approximately CAD \$1,393,406.98 in funds on deposit (the “**Deposited Funds**”) to the credit of two personal bank accounts (the “**Accounts**”).<sup>2</sup>
- (d) It appears that on January 18, 2022, individuals were invited to deposit funds into one of the personal bank accounts (the “**Account**”) via direct email transfer, and have done so on an ongoing basis (the “**Depositors**”).

---

<sup>2</sup> Because the account number constitutes personal and confidential information, TD will disclose the account number to the Court, but will seek a sealing order with respect to the account number.



As of February 10, 2022 at 11:03, approximately 3,000 Depositors had contributed a total of \$413,406.98 to the Account.

- (e) In addition to the funds provided by the Depositors, on February 2, 2022, the organization GoFundMe made a lump sum deposit of \$1,000,000 into the Account (the “**GoFundMe Deposit**”). The GoFundMe Deposit was made up of contributions from an unknown number of donors.
- (f) On January 31, February 1, and February 3, 2022, portions of the funds held in the Account, made up entirely from deposits made by the Depositors and the GoFundMe Deposit, were transferred from the Account to a second personal bank account (the “**Second Account**”).
- (g) It appears that the deposits made into the Accounts were intended to be donations by the Depositors and contributors to the GoFundMe campaign (collectively, the “**Donors**”) in support of a campaign titled “Freedom Convoy 2022”, amongst other names.
- (h) The intended purpose of these donations appears to be, among other things, to reimburse certain expenses in relation to a cause. However, TD is unable to determine the appropriate recipients of the Deposited Funds, or to determine the extent to which the Deposited Funds should be distributed to the appropriate recipients, in keeping with the intentions of the Donors, or to determine whether certain Donors seeking refunds of their donations are entitled to receive refunds and in what amount.

- (i) Accordingly, TD is seeking to pay the Deposited Funds into Court so that the Deposited Funds may be managed and distributed in accordance with the intentions of the Donors, and/or to be returned to the Donors who have requested or will request refunds but whose entitlement to a refund cannot be determined by TD.
- (j) TD relies on Rules 43.01(1), 43.01(2), 43.02(1), 43.03(1), and 43.04(1) of the *Rules of Civil Procedure* with respect to interpleader applications.
- (k) TD will also rely on such other grounds as counsel may advise and the Court may permit.

3. The following documentary evidence will be used at the hearing of the application:

- (a) the Affidavit of **TD Representative**, to be sworn; and
- (b) such further and other evidence as counsel may advise and the Court may permit.

February 14, 2022

**McCarthy Tétrault LLP**  
Suite 5300, Toronto Dominion Bank Tower  
Toronto ON M5K 1E6

**Geoff R. Hall** LSO#: 347010  
Tel: 416 601-7856

**Leah Ostler** LSO#: 73301C  
Tel: 416 601-8285  
Fax: 416 868-0673

Lawyers for the Applicant,  
The Toronto-Dominion Bank

THE TORONTO-DOMINION BANK

Applicant

Court File No.

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

Proceeding commenced at Toronto

**NOTICE OF APPLICATION**

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Suite 5300, Toronto Dominion Bank Tower  
Toronto ON M5K 1E6

**Geoff R. Hall** LSO#: 347010  
Tel: 416 601-7856

**Leah Ostler** LSO#: 73301C  
Tel: 416 601-8285  
Fax: 416 868-0673

Lawyers for the Applicant,  
The Toronto-Dominion Bank

**TAB B**

*This is Exhibit " B " referred to in the  
Affidavit of Virginia Fletcher  
sworn before me, this 8th day of March, 2022*

---

*A Commissioner for taking Affidavits*

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.

)

THURSDAY, THE 17th

)

JUSTICE C. MACLEOD

)

DAY OF FEBRUARY, 2022

B E T W E E N:

*(Court Seal)*

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC,  
7983794 CANADA INC. (c.o.b. as UNION: LOCAL 613)  
and GEOFFREY DEVANEY

Plaintiffs/Moving Parties

and

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING, JAMES  
BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS, CHAD EROS, CHRIS  
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Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

**ORDER  
(MAREVA INJUNCTION)**

**NOTICE**

If you, the Defendant, disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least twenty-four (24) hours notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the terms of this Order may also be held to be in contempt of court and may be fined or imprisoned.

**THIS MOTION**, made without notice by the Plaintiffs, Zexi Li, Happy Goat Coffee Company Inc., 7983794 CANADA INC. (c.o.b. UNION: LOCAL 613), on their own behalf and on behalf of the proposed classes as defined in the Fresh as Amended Statement of Claim (approved by an order of even date) for an interim and interlocutory Order in the form of a *Mareva* injunction restraining the corporate Defendant, Freedom 2022 Human Rights and Freedoms (“**Freedom 2022**”), as well as the individual Defendants Patrick King, Tamara Lich, Christopher Garrah, Nicholas St. Louis, and Benjamin Dichter (collectively, the “**Individual Mareva Respondents**” and together with Freedom 2022, the “**Mareva Respondents**”) from dissipating the assets identified in Schedule “A” to this Order and other relief, was heard this day at Ottawa by videoconference.

**ON READING** the Motion Record of the Plaintiffs dated February 15, 2022 (Mareva Injunction) and the Supplementary Motion Record of the Plaintiffs dated February 16, 2022 (Mareva Injunction), and the fresh as amended factum of the plaintiff (February 16,

2022), and with regard to the materials previously filed in support of an earlier injunction (**“Motion Materials”**);

**AND ON HEARING** the submissions of counsel for the Plaintiffs;

1. **THIS COURT ORDERS** that this motion is properly returnable today as the motion is brought without notice.

**Mareva Injunction**

2. **THIS COURT ORDERS** that the Mareva Respondents and their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this Order, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with the assets of the Mareva Respondents listed in Schedule “A”
  - (b) instructing, requesting, counselling, demanding, or encouraging any other person to conduct themselves contrary to paragraph 2(a) above; and
  - (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to contrary to paragraph 2(a) above,
- until final disposition of this action or further Order of this Court.



3. **THIS COURT ORDERS** that paragraph 2 applies to all of the assets listed in Schedule “A” to this Order, whether or not they are in the Mareva Respondents’ own names, whether or not they are solely or jointly owned, and whether or not the Mareva Respondents have exclusive control over the asset. For the purpose of this Order, a Mareva Respondent’s assets include any asset which he or she has the power, directly or indirectly, to dispose of or deal with as if it were his or her own. The Mareva Respondent is to be regarded as having such power if a third party holds or controls the assets in accordance with his or her direct or indirect instructions.

4. **THIS COURT ORDERS** that if the total value free of charges or other securities of the assets listed in Schedule “A” to this Order exceeds \$20 million, the Mareva Respondents may sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with them so long as the total unencumbered value of the Mareva Respondent’s frozen assets remains above \$20 million.

#### **Undertaking as to Damages**

5. **THIS COURT ORDERS** that the requirement in Rule 40.03 of the *Rules of Civil Procedure* for the moving party to provide an undertaking as to damages potentially arising from the granting and enforcing of this Order is hereby dispensed with.

#### **Ordinary Living Expenses**

6. **THIS COURT ORDERS** that any Mareva Respondent may apply for an order, on at least twenty-four (24) hours notice to the Plaintiffs, specifying the amount of funds which the Mareva Respondent requires from the assets listed in Schedule “A” to this Order to spend on ordinary living expenses and legal advice and representation. The Mareva Respondent may also

be provided with access to the assets it requires to spend on ordinary living expenses and legal advance and representation with the written consent of the Plaintiffs.

**Disclosure of Information**

7. **THIS COURT ORDERS** that each Mareva Respondent shall prepare and provide to the Plaintiffs, within 7 days of the date of service of this Order, a sworn statement describing the nature, value, and location of his or her assets worldwide, whether in his own name or not and whether solely or jointly owned, which are being used, have been earmarked for, or are intended to be used to fund, directly or indirectly, activities associated with the Freedom Convoy protests in or around the City of Ottawa, Ontario, Canada which began on or about January 29, 2022 worldwide, including but not limited to any digital assets (and any associated cryptocurrency wallet addresses).

8. **THIS COURT ORDERS** that each Mareva Respondent shall submit to an examination under oath within 7 days of the delivery by the Mareva Respondent of the aforementioned sworn statement referred to in paragraph 7.

9. **THIS COURT ORDERS** that if the provision of any of the information set out in paragraph 7 is likely to incriminate the Mareva Respondent, he or she may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information referred to in paragraph 7 is contempt of court and may render the Mareva Respondent liable to be imprisoned, fined, or have his or her assets seized.

### **Intermediaries**

10. **THIS COURT ORDERS** that the entities listed in Schedule “B” as well as any banks, financial institutions, money service businesses, fundraising platforms or websites, cryptocurrency exchanges or platforms, or custodians of any cryptocurrency wallets, (collectively, the “**Intermediaries**”) shall, upon being provided with notice of this Order, forthwith freeze and otherwise prevent any removal, dissipation, alienation, transfer, assignment, encumbrance, transaction, or similar dealing with any of the assets identified in Schedule “A” to this Order.

11. **THIS COURT ORDERS** that the Intermediaries shall forthwith disclose and deliver up to the Plaintiffs any and all records held by the Intermediary concerning the Mareva Respondents’ assets, including the existence, nature, value and location of any monies or assets or credit, wherever situate, held on behalf of the Mareva Respondent by the Intermediaries.

### **Alternative Payment of Security into Court**

12. **THIS COURT ORDERS** that this Order will cease to have effect if the Mareva Respondents provide security by collectively paying the sum of \$20 million into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

### **Variation, Discharge or Extension of Order**

13. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order, on four (4) days’ notice to the Plaintiffs.

14. **THIS COURT ORDERS** that the Plaintiffs shall apply for an extension of this Order on or before February 28, 2022, failing which this Order will terminate.

**Service of this Order**

15. **THIS COURT ORDERS** that service of this Order and the Motion Materials shall be made on the Mareva Respondents through at least one of the following means, as applicable:

- (a) On the corporate Mareva Respondent, Freedom 2022, by delivering a copy to Alan G. Warnock, counsel for Freedom 2022 as indicated on its corporate filings;
- (b) On the Mareva Respondent, Tamara Lich, by delivering a copy to her legal counsel, Keith Wilson of the Justice Centre for Constitutional Freedoms;
- (c) On the Mareva Respondent, Benjamin Dichter, by delivering a copy to his legal counsel, Keith Wilson of the Justice Centre for Constitutional Freedoms;
- (d) On the Mareva Respondent, Patrick King, by delivering a copy to his email address at [patrickking@canada-unity.com](mailto:patrickking@canada-unity.com) and through social media to Mr. King's Facebook page at <https://www.facebook.com/therealpatking>;
- (e) On the Mareva Respondent, Christopher Garrah, by delivering a copy to his email address at [keepcanada@protonmail.com](mailto:keepcanada@protonmail.com) and through social media to Mr. Garrah's Facebook page at [www.facebook.com/chris.garrah.31](https://www.facebook.com/chris.garrah.31);
- (f) On the Mareva Respondent, Nicholas St. Louis, by delivering a copy through social media to Mr. St. Louis's Twitter account, @NobodyCaribou;

and that such service shall be deemed valid and effective upon the earlier of (a) confirmation of receipt of the Order and Motion Materials or (b) 24 hours from the time the Order and Motion Materials are sent in accordance with paragraphs 18(a) to (f) above.

16. **THIS COURT ORDERS** that this Order is and shall be immediately in effect upon issuance regardless of whether it has been formally entered.

C. MacLeod RSJ

## **SCHEDULE “A”**

### **Freedom 2022 Human Rights and Freedoms**

1. Any and all assets of Freedom 2022 Human Rights and Freedoms, including but not limited to any and all funds donated through GiveSendGo LLC or any of its affiliates or payment processors, where such funds were raised in connection with the “Freedom Convoy 2022” fundraiser and are held in a bank account(s) owned or controlled by or for the benefit of Freedom 2022 Human Rights and Freedoms.

### **Patrick King**

2. Any and all funds held in the bank account of or controlled by Patrick King located at ATB Financial (a.k.a. Alberta Treasury Branches), subject to Mr. King’s right as set out in paragraph 6 of this Order to apply for an order or request the consent of the Plaintiffs to an order specifying the amount of funds which Mr. King requires to spend on ordinary living expenses and legal advice and representation.
3. Any and all funds, digital assets, and or cryptocurrency held in bank accounts and/or digital wallets generated or raised in connection with transactions of Freedom Convoy Token (\$FCT).

### **Tamara Lich**

4. Any and all funds held in the bank account of or controlled by Tamara Lich into which she is receiving etransfers by way of the email address [tbofconvoy2022@protonmail.com](mailto:tbofconvoy2022@protonmail.com), subject to Ms. Lich’s right as set out in paragraph 6 of this Order to apply for an order or request the consent of the Plaintiffs to an order specifying the amount of funds which Ms. Lich requires to spend on ordinary living expenses and legal advice and representation.

### **Chris Garrah**

5. Any and all funds held in the bank account of or controlled by Chris Garrah into which he is receiving funds donated through GiveSendGo LLC or any of its affiliates or payment processors in connection with the “Adopt-a-Trucker” fundraiser, subject to Mr. Garrah’s right as set out in paragraph 6 of this Order to apply for an order or request the consent of the Plaintiffs to an order specifying the amount of funds which Mr. Garrah requires to spend on ordinary living expenses and legal advice and representation.
6. Any and all funds held in the bank account of or controlled by Chris Garrah into which he is receiving donations by way of the “Adopt-a-Trucker” website or etransfers by way of the email address [donations@adopt-a-trucker.ca](mailto:donations@adopt-a-trucker.ca), subject to Mr. Garrah’s right as set out in paragraph 6 of this Order to apply for an order or request the consent of the

Plaintiffs to an order specifying the amount of funds which Mr. Garrah requires to spend on ordinary living expenses and legal advice and representation.

7. Any and all digital assets or cryptocurrency held in the following digital wallets of or controlled by Chris Garrah:

|                              | No. | Wallet Address                                                                                              |
|------------------------------|-----|-------------------------------------------------------------------------------------------------------------|
| BTC<br>(Bitcoin)             | 1   | bc1qv2v2l3v508lmpal067kghhm6x6nsm70rgwhx                                                                    |
| ETH<br>(Ethereum)            | 2   | 0x859481Ef7dAc321078547f50c756C8924EaB183f                                                                  |
| LTC<br>(Litecoin)            | 3   | ltc1qqhzc2dflesccd5gx6ugqqgcplzakrk8w1x18zq                                                                 |
| ADA<br>(Cardano)             | 4   | addr1qwxppd3ahfsh43f88h4jn8ngrum64fe6meck3nnwkwgtsp6elsk4xhyrd<br>tm5v6tnq3ulw9u9gcmvkhjrj4xcu3sm60hqtz3wuy |
| XMR<br>(Monero)              | 5   | 423nPDQqsPrAAgFSHaUBMrYQQCgb2562iLLWu1dZyEGEGsavxfpNx<br>WtDjreSUzwqWQCxi6GrSz8jtYWjS4pW9mK9DoBVdWo         |
| ETC<br>(Ethereum<br>Classic) | 6   | 0x88CD1D4611D456357eF8620450d3121672305d03                                                                  |

8. Any digital assets or cryptocurrency originating in the digital wallets identified in Item #7 which have been transferred to other digital wallets, as identified through the public ledger.

**Benjamin Dichter & Nicholas St. Louis**

9. Any and all digital assets or cryptocurrency held in the following digital wallets of or controlled by or on behalf of Benjamin Dichter and/or Nicholas St. Louis:

|                  | No. | Wallet Address                                                 |
|------------------|-----|----------------------------------------------------------------|
| BTC<br>(Bitcoin) | 1   | bc1qv7k0hltgg5vdquy86z8m48wp7ul92hdddp2emh2ppra0slzvg86q8uv9g9 |
|                  | 2   | bc1qepl9mm4qq7eqtvhe3ys3ymwvs4z3rmyuhvfs3scsysnjdkvhpsfp6ven   |
|                  | 3   | bc1qcg44z6ly3h3635gfzkehx4lg22ks7ndy3dzzh0qyv3eqmzrwehnsk58gwr |
|                  | 4   | bc1qfcrw4nf659e4s8d9yaldltac75awrpqeqh76du68qzw8q0m7276sw0q3uh |

|    |                                                                 |
|----|-----------------------------------------------------------------|
| 5  | bc1q8lrztgk9tkedvhu6hzvvc7ps2cf6t2t4hj5jdf6p38asc407wxzsl40gkx  |
| 6  | bc1qg76ahdnvxwwfd8l05wh0u4y54sht2s4djcmp2vt0levqz7s62l9q4wh33n  |
| 7  | bc1q48chzsuwxu7cz82p83mpekdn0u44c223r4dzsdd98d8l03ws7es484z23   |
| 8  | bc1q8tf0hn3vda0pgkhej73unz338wstxvll9qryv5hj3rtwah2j6mlqx3ce99  |
| 9  | bc1q4hqvw7a806yc8554nskuyqc4jc6juywzxcgprk0n25rtcj5z3dkqey0h9f  |
| 10 | bc1qv3aa6wepvttley7kuvpmfzar93ku2yppp72tm0zfecj20h04r58sn7wvwhq |
| 11 | bc1q2xjld87z45k2fuz48dqhntgh3e0k80ft0a46jd3ftwrqt4fnnyjqftd0ur  |
| 12 | bc1qsdherstd6f8rswt0pklv3gckwtjtaszswzlmgdrat9hkvpwpqpsvcd39z   |
| 13 | bc1qt6t5lddw7vxdzmcz0cdl6xnyrjfm02ywd64g0pw6k7czwl5xhfxs3e5sff  |
| 14 | bc1qxxwx7r30fspqng769h080rqx4y2eksmwcecvrwyk7uwyl6lr0hnsllr9re  |
| 15 | bc1q3jsfd54ja2jxnumjq2ds6qn0yt0mye7lwvdmyft3a8a5w9d8hkqxf6az    |
| 16 | bc1q7r7escgmm7nq2jhc92nc2uh7tw3vzexzspge65ts06243pensl2spf67vn  |
| 17 | bc1q96z7hleyh2fvqmge8s9yw0650u3uwjv7mrpsfj2ltz8wvctmnsykh50c    |

10. Any digital assets or cryptocurrency originating in the digital wallets identified in Item #9 which have been transferred to other digital wallets, as identified through the public ledger, including without limitation:

|                  | No. | Wallet Address                             |
|------------------|-----|--------------------------------------------|
| BTC<br>(Bitcoin) | 1.  | bc1q02lht2z94cvxz7gku6x03zt8hql2ljex009a5c |
|                  | 2.  | bc1q062pkhf0yyp4uwp0vg893h2z7vg9dyhmfs57z  |
|                  | 3.  | bc1q0aqlfyhaahe5tkgzl4yy8tn9sanhph48cw8gfh |
|                  | 4.  | bc1q2558369j3733ru8w2j44ft5a8wsvu9a3ctu58h |
|                  | 5.  | bc1q2h98w6llt99tuadm69j0vm6m6akuckww9hx490 |
|                  | 6.  | bc1q2n980wq4e38eer3ssuqdfcygzmmxpynf07y3w  |
|                  | 7.  | bc1q2symwyx8ak942m007eqpy3j5rgvmjza6l8mqyl |
|                  | 8.  | bc1q2w02u6km8dt8l7fzkwjfsmd2p4svenchl4068v |
|                  | 9.  | bc1q2zahktlmx7mcwgep522tvu5mqmmvd4cv5je3fc |



|     |                                                                |
|-----|----------------------------------------------------------------|
| 10. | bc1q3ufme0prwe7xwacj32jt89r997xcwh2wmjkg129acetvf3q0wz4sp50j05 |
| 11. | bc1q42t9dhpge6du9pjmdkvxvmke82fl34jadqaxtq                     |
| 12. | bc1q43vj05mmdqdx0yznqtfjx8m27h52amzk5chw2r                     |
| 13. | bc1q4adfsxlr10kv4uj44u0303rs685hz49j43pdd2                     |
| 14. | bc1q4fuzwaf3qklr8nlrw54kvm6u3l5f65j4da96ue                     |
| 15. | bc1q4nhfc825w2qk6zwhkr0nsyw7l3qzzdjyqtwjz8                     |
| 16. | bc1q5uxrzg5ueduay62tm7mruj2dg52q67s7nfwq42                     |
| 17. | bc1q6rqf3xsle28gpl0jfuwq9267ddg6asglp75xnc                     |
| 18. | bc1q73n74fd4zxkldjgsxtert3kce7z0vp5kqan2wq                     |
| 19. | bc1q7dws5swscn6krqx5ssmh68mlt2j0rlq9pjudat                     |
| 20. | bc1q7fv8k8gk082t3xy7qegyx3yt947lxxhxr3yl                       |
| 21. | bc1q7t6rfzm3v5rv3rme3rkdamjvkfls4f20nel2a4                     |
| 22. | bc1q86ceuvc0580rddxmqujhu3huxkeykrns2jah4vhqnlr67jdkh43sd5gcgr |
| 23. | bc1q94ru6v3hfg0zxm7xcesmcznuwej55s4usttkrqf5jew9ktuh2afqpsv4l8 |
| 24. | bc1q955pcz3pvveflycjns5julkdf24dswexn6m6p9                     |
| 25. | bc1q99wek564uhynuygn5zy55hg33dun0zgetaung4                     |
| 26. | bc1q9qawynlavjmyx8gfpqhxxvsyrmh3xcqx2eg00g                     |
| 27. | bc1q9u49f5zgelxs94qfdqpx5lqp04hjxh82a6xt70                     |
| 28. | bc1q9vuly898kv3eggfe6c5h8xkclqkj0wk255ya77                     |
| 29. | bc1qa04luw7uqfurrcu4qjsc8nvl9eddu5yc4p447                      |
| 30. | bc1qa736kjpld8a4cr40u8qhxxfy6gczg7xvugynm                      |
| 31. | bc1qa7w48qjqmwa5kha5hq43x7nv6wecs554r72dae                     |
| 32. | bc1qahvu2rtjyze9gn50skcs2q06vpfnznwdnsa9scxv5y6axudksskq2ku6hd |
| 33. | bc1qau64e5dnu777jdk7x0eg3lx0sg2gxvlp59pzqz                     |
| 34. | bc1qauf86ykfemxnmxhgqkx7xgt8nlj7hs3vaw277a                     |
| 35. | bc1qc4jpl3y5slaexw5mzsch74tfheq2aje0ppsrnn                     |
| 36. | bc1qc6e90jmge6gc3z4mef7l77mllglhcf6ckgk07f                     |

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|-----|-----------------------------------------------------------------|
| 37. | bc1qcv8n8c4zdzv28kg9f300u94g9tzz02g0pwc04v                      |
| 38. | bc1qcwk9pfe3ejnhen9yaj00g9j425fkmhqhsq55fl                      |
| 39. | bc1qdayxy58xpqxegtdh7qr5k95u45h2zgck7rcfnj                      |
| 40. | bc1qdjpq83fn7dupv036yprckgezxd6xcf7344y8n                       |
| 41. | bc1qdzc3mad58rwvydkkf792pdj9ed96drd4hvx6sg                      |
| 42. | bc1qedzgpqxhwte47aga8wp3q8a8wtysar65wzycxq                      |
| 43. | bc1qemzdsjvnkw3av2xgftnn0n93f96xuwxwy8qqts                      |
| 44. | bc1qeru88jc6sceptujqzexfcj0d0l8xh8atkd9dty9                     |
| 45. | bc1qfjns4tjz39leydh4urtlc8fx7z69mxumdmz9q7                      |
| 46. | bc1qflmltfkkyjd07x6cjq7l62a3wc23z8nntav4zp                      |
| 47. | bc1qfsjg76l6rpn7wy5303weyvujym4mr3x727y6hl                      |
| 48. | bc1qfwemm3m3tsyvyuwaljqrvtzet284f7pvnn4tuf2                     |
| 49. | bc1qfxqux3pk4zqwvgzep0uk46qrjr4qs0juh636nn                      |
| 50. | bc1qg3aeueyd4947tk9kfnzhrssxggy0ctn8zcejcdg0tk0gchzwfq7zq4zlnse |
| 51. | bc1qg7eep47tk926mugz9zcyfw5jdu7rk6r7netj3r                      |
| 52. | bc1qgwjskc628eh9sgnc0ypvkhwtzcky42zz7s0tfv                      |
| 53. | bc1qhdek8my95y8pvxvj8lwmvdqcrkf6a5ny6l9lqyw42s2tz8rcgg0qrrz8yf  |
| 54. | bc1qj7fd7642y7ufcllyspjs7w8p80hxtetu7smdlx                      |
| 55. | bc1qjd9245dv0jzfq0z9f2kxsltj5hjfzc3a7wwzc                       |
| 56. | bc1qjgvqelapj3a340k8pcg9xl6mz2ktf42949ewra                      |
| 57. | bc1qjvwdxw2fppxhshfrcqvqxqscsmxhz5jvtg2nnxt                     |
| 58. | bc1qjwv3z5c4nwdr2n5tzsregzlu2ncu8sn5kft3qh                      |
| 59. | bc1qk06vldq76vxxtf89zf6uzfs36eg0wlh0eqcdf6                      |
| 60. | bc1qk3r6xntye0m3ltpedx30rymjxdlvhtpkrecrzj                      |
| 61. | bc1qkkg7a6npchmk4l3dpqvs7dwmr7fupcqna3kq24                      |
| 62. | bc1qkqjkztfnaexjk5hpevtqc0m80wt5rzut7fztk                       |
| 63. | bc1qku26gqyxhg0vr49qduln0tn2afj88zwzmraqen                      |

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|-----|----------------------------------------------------------------|
| 64. | bc1qkuljh9qjdz447ytxztgzp9grnk7ptzdez0m3eg                     |
| 65. | bc1ql3pxufxljppq05286tnfnh9zymr8z7zqls5h4fx                    |
| 66. | bc1qlc2gpmzrr9gded07d9a40lt2lq7pp2v7h4c5jx                     |
| 67. | bc1qlk00tuxqss5v03upwz3lk9yhhwgaka0vu59u2a                     |
| 68. | bc1qln80c0pmups7zxxm2fcfdmzv8gxlyrr8nl6q                       |
| 69. | bc1qltgmfmv25gnj5298swxhdpceexksq7m9m5amy09zx2jfees2g2wq84g9ru |
| 70. | bc1qm67k7w69rht724navu6jjrhfk93pmdjw8lrh38                     |
| 71. | bc1qm6u4pxcskca8qhx4e2e7jk8ue0q6p8dwp3w0sf                     |
| 72. | bc1qmq6h2dh7ctqrnv45ljght9y6m8yjhm3z8qcse4                     |
| 73. | bc1qmxpqdlfe4fmdge9yasxwt4ujuj288mnzwc8rr                      |
| 74. | bc1qn9r0daf77x0arqydkj20d7k5405jd9yjk4m0ct                     |
| 75. | bc1qnmau5dd22w0r3ss7ta75er6v7m0trq8qgn726p                     |
| 76. | bc1qnyq8cms0edc30q0rz8vxgpmx43vplp6tun5twm                     |
| 77. | bc1qp79usamhvle94xn5tnfz9zuwsk6z3nk7px9nfw                     |
| 78. | bc1qphymj0r3ktd55jtaw3c3ujwg80frqcu0n0ndn4                     |
| 79. | bc1qpntau44awgvnc8de6nm76ah0fp06ethvzcx46a                     |
| 80. | bc1qpp3rfw3m6whmcmcr4vl9ruzau7awrtqz6s2x76                     |
| 81. | bc1qq7644eh7qwyfx4zam4e6qfqwfr60wkgxscrt4                      |
| 82. | bc1qqkqr720fptpk0378n7tcgj36w8c7y5qqpert87                     |
| 83. | bc1qqt9gsfcg5rnldsw0ewwekke0tl9x3969k772t6                     |
| 84. | bc1qqw8mvxncl7uhehfw97er93k4zchhkvd87swk97                     |
| 85. | bc1qqw8py9s03ah3gdxpsfh4t7ea3lzenf9dze9x99hmgzjjrzzhphdsqy6kh3 |
| 86. | bc1qqzpunlksl3sfsthhm9hnahwvvn8k2em5zumkhp                     |
| 87. | bc1qr4t3jqy74qglk63m6lazpf6rldtklma9t49ur3                     |
| 88. | bc1qr6eyjgvxydh0faafkytgldq2mgylkyr2uytlew                     |
| 89. | bc1qreqp95msmhfn05gg5mj79qw6gsq0nk6clwyy2w                     |
| 90. | bc1qrghds8uyutmc6phppelf8gaa8jrea9fc3nzhze                     |

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|------|-----------------------------------------------------------------|
| 91.  | bc1qrnaesgdw882wkhvwmydry03vcu2sml4e5vrnm7                      |
| 92.  | bc1qrr0j3s4ac8ts7rg8ueut9zjy0u46w4pqly69mk                      |
| 93.  | bc1qs63v2vznlx0fq9te2jq85ft0wrnx0hplluhmje                      |
| 94.  | bc1qswh3dltdegks9sdtqu787kef8jvgera6qem8c                       |
| 95.  | bc1qtnmruuunwwxw3ra8rhu0anqjcfxfjvuqyf0643                      |
| 96.  | bc1qtq8tdeuv39szw8x0pffnung8g5kjxx69um93az                      |
| 97.  | bc1quk03t4e0f6qug90vptl42lyh3npkl08e74zsny                      |
| 98.  | bc1qun9qcxesc6avaa30anl0jvs36h3cy6nq7xh36yvxx9frmqc8v6khq4nwnv0 |
| 99.  | bc1quxv0zw39ch8jtuvpglq9wh8udxj6plgg2c5yvt                      |
| 100. | bc1quz767qg2w6grgp4yh66h8custdjhecuwx2s4al                      |
| 101. | bc1qv7flh8apx6radxuusqyzkwelecl545rhz9twtc                      |
| 102. | bc1qvk6nfwe728nvkz2p3qufwfhjga7z6ctw8dyzry                      |
| 103. | bc1qvm78tmv3z70gzp22jp79nxm4s5yaczz4scm2rgv                     |
| 104. | bc1qvn33dehtrsf2q5l4vrtugqmka4nx2aquk8mkdc                      |
| 105. | bc1qww03s6yy3yyqf9sa48vmhfzsdjux2za4tahdex                      |
| 106. | bc1qx499qzmpj4fa889tj8tfx0s32utargtf6clhse                      |
| 107. | bc1qx9972yuyj8xnq4zdpdmh35ccmrpx9wp87zyvt7                      |
| 108. | bc1qxagk2r5xzszz528e5l6dvmppta6c09pk6ckukq                      |
| 109. | bc1qxy3jw6n0yp0d7lck50ayeg35gef3as5v22gkh4                      |
| 110. | bc1qxy6xket4lhm8zhzwwd6nt8ls7pd5n3trklhpth                      |
| 111. | bc1qyawd7483zea86wljx3mvy3gpr90m2ju468mxwy                      |
| 112. | bc1qyc4wrc00jczdsvqfwak6xr2k4g67uwlmwjfw8                       |
| 113. | bc1qqyq5dsdgau7jutwtanv8un4dmgmu9wmtgd0zzkk                     |
| 114. | bc1qyys64vqc0mfhg3eer57rjn0dpx0qag0w0jlruy                      |
| 115. | bc1qyze4txtr376tp5a3wda6wjec0dj0setertskch                      |
| 116. | bc1qz4632qm3eqmev8ja3mv99xrqhyjcvlstq0cawk                      |
| 117. | bc1qz7c3yl38ayfm8c5q98mng08cwjq2zrxjejl74n                      |

|  |      |                                                                |
|--|------|----------------------------------------------------------------|
|  | 118. | bc1qzda84u78emjxn timersrzsw0cv27t8vlh752v4u78                 |
|  | 119. | bc1qzlh6l5wyppw86vxc2hxswa4zskc9fdghfyv6pl                     |
|  | 120. | bc1qzrnhrvm769lq69jkdmmgvrcmgyavu576vzr3p3                     |
|  | 121. | bc1qzrst06qg2ve7x9a45z94hal882ecx9eqvexttpq400cvqk6hkr6q0revjs |
|  | 122. | bc1qzrz3ap086sq5pvwyp8le0vccdn4j0rjsr9az76                     |
|  | 123. | bc1qzzt7hls8339j9lu9eegmtv9x8y66n40qvl6d5                      |

## **SCHEDULE “B”**

### **Financial Institutions**

TD Canada Trust

ATB Financial (a.k.a. Alberta Treasury Branches)

### **Fundraising Platforms/Websites**

GoFundMe, Inc.

GoFundMe Ireland, Ltd.

GoFundMe Australia PTY Ltd.

GoFundMe New Zealand Limited

GiveSendGo LLC

Adopt-a-Trucker (donations@adopt-a-trucker.ca)

### **Digital Asset (Cryptocurrency) Platforms/Exchanges**

Bull Bitcoin

TallyCoin

Bitbuy

Shakepay

Satoshi Portal

Bylls

Binance Smartchain

PancakeSwap

Nunchuk

### **Digital Asset (Cryptocurrency) Custodians**

Greg Foss

Jeffrey Booth

Benjamin Tyler Perrin (a.k.a “BTC Sessions”)

Francis Pouliot

ZEXI LI et al.  
Plaintiffs

-and- CHRIS BARBER et al.  
Defendants

Court File No. CV-22-00088514-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT OTTAWA

**ORDER**

**LENCZNER SLAGHT LLP**

Barristers  
Suite 2600  
130 Adelaide Street West  
Toronto ON M5H 3P5

Monique J. Jilesen (43092W)

Tel: (416) 865-2926

Fax: (416) 865-9010

Email: [mjilesen@litigate.com](mailto:mjilesen@litigate.com)

Madison Robins (70110K)

Tel: (416) 865-3736

Fax: (416) 865-9010

Email: [mrobins@litigate.com](mailto:mrobins@litigate.com)

Sarah Bittman (74913I)

Tel: (416) 865-9673

Fax: (416) 865-9010

Email: [sbittman@litigate.com](mailto:sbittman@litigate.com)

Acting as Agent to Champ & Associates, Counsel for  
the Plaintiffs, Zexi Li, Happy Goat Coffee Company  
Inc, 7983794 Canada Inc. (c.o.b. as Union: Local 613)  
and Geoffrey Devaney



**TAB C**

*This is Exhibit " C " referred to in the  
Affidavit of Virginia Fletcher  
sworn before me, this 8th day of March, 2022*

---

*A Commissioner for taking Affidavits*

Court File No. CV-22-00088514-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

|                        |   |                       |
|------------------------|---|-----------------------|
| THE HONOURABLE         | ) | MONDAY, THE 28TH      |
|                        | ) |                       |
| MR. JUSTICE C. MACLEOD | ) | DAY OF FEBRUARY, 2022 |

B E T W E E N:

*(Court Seal)*

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC., 7983794 ONTARIO INC.,  
(c.o.b.) as UNION: LOCAL 613 and GEOFFREY DEVANEY  
Plaintiffs/Moving Parties

and

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING, JAMES  
BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS, CHAD EROS, CHRIS  
GARRAH, MIRANDA GASIOR, JOE JANSEN, JASON LAFACE, TOM MARAZZO, RYAN  
MIHILEWICZ, SEAN TIESSEN, NICHOLAS ST. LOUIS, (a.k.a. @NOBODY CARIBOU),  
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, JOHN DOE 1, JOHN DOE 2, JOHN  
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JOHN DOE 58, JOHN DOE 59, JOHN DOE 60, JANE DOE 1 and JANE DOE 2

Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**  
**(VARYING & EXTENDING MAREVA INJUNCTION)**

**THIS MOTION**, made by the Plaintiffs Zexi Li, Happy Goat Coffee Company Inc., 7983794 CANADA INC. (c.o.b. UNION: LOCAL 613) and Geoffrey Devaney, on their own behalf and on behalf of the proposed classes as defined in the Fresh as Amended Statement of Claim issued February 18, 2022, for an Order pursuant to section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended (“**CJA**”), appointing KSV Restructuring Inc. (“KSV”) as escrow agent (in such capacity, the “**Escrow Agent**”) of the Escrow Assets (defined below) and for an Order varying and extending this Court’s Order of February 17, 2022 granting a Mareva injunction (the “**Mareva Order**”) over the assets of the corporate Defendant Freedom 2022 Human Rights and Freedoms (“**Freedom 2022**”) as well as the individual Defendants Patrick King, Tamara Lich, Christopher Garrah, Nicholas St. Louis, and Benjamin Dichter (collectively, the “**Individual Mareva Respondents**” and together with Freedom 2022, the “**Mareva Respondents**”), among other relief, was heard this day in Ottawa by videoconference.

**ON READING** the Motion Record of the Plaintiffs dated February 15, 2022 (Mareva Injunction), the Supplementary Motion Record of the Plaintiffs dated February 16, 2022 (Mareva Injunction), the Motion Record of the Plaintiffs dated February 25, 2022 (Extend Mareva Injunction), the Supplementary Motion Record of the Plaintiffs dated February 26, 2022 (Extend Mareva Injunction), the Factum of the Plaintiffs dated February 25, 2022, the Motion Record of the Mareva Respondents (other than Patrick King) dated February 27, 2022 and with regard to the materials previously filed in support of an earlier injunction (“**Motion Materials**”).

**AND UPON BEING ADVISED** of the consent of the Plaintiffs and the Mareva Respondents Freedom 2022, Tamara Lich, Christopher Garrah, Benjamin Dichter, and Nicholas St. Louis (the “**Escrow Respondents**”), and on no one appearing for Patrick King although duly served in accordance with paragraph 15 of the Mareva Order, and upon being advised of the consent of KSV Restructuring Inc. to act as the Escrow Agent.

**Service**

1. **THIS COURT ORDERS** that the time for service of the Motion Materials is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

**Varying & Extending the Mareva Order**

2. **THIS COURT ORDERS** that this Court’s Mareva Order is hereby extended to March 9, 2022 or until further order of the Court.

3. **THIS COURT ORDERS** that this Court’s Mareva Order is hereby varied in accordance with the terms of this Order.

4. **THIS COURT ORDERS** that the Mareva Order is varied to permit the Escrow Assets (as defined below) to be transferred forthwith to the Escrow Agent (as defined below).

5. **THIS COURT ORDERS** that this Order is without prejudice to the Mareva Respondents’ rights to seek to vary or discharge the Mareva Order in accordance with paragraphs 6 or 13 thereof.

6. **THIS COURT ORDERS** that this Order is without prejudice to any person’s right to seek to vary this Order or the Mareva Order in accordance with paragraph 13 of the Mareva Order.

**Appointment of Escrow Agent**

7. **THIS COURT ORDERS** that pursuant to section 101 of the *CJA*, KSV is hereby appointed as an officer of this Court as Escrow Agent over all Escrow Assets (defined below) to exercise the powers, duties and obligations of the Escrow Agent as set out in this Order.

8. **THIS COURT ORDERS** that the Escrow Agent shall:

- (a) Forthwith collect, receive and exercise control over the Escrow Assets and any and all proceeds, receipts, and disbursements arising out of or from the Escrow Assets;
- (b) Take all steps to receive, preserve, and protect the Escrow Assets, or any part or parts thereof, including, but not limited to, the changing of passwords, private keys, seed word or phrase or security codes and the relocation of Escrow Assets into new accounts or wallets to safeguard them;
- (c) Engage such consultants, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time as may be necessary to assist with the exercise of the Escrow Agent's powers and duties, including without limitation those conferred by this Order;
- (d) Report to the Escrow Respondents, the Plaintiffs and this Court as to the progress of the fulfillment of the Escrow Agent's power and duties pursuant to this Order.

9. **THIS COURT ORDERS** that the Escrow Agent may from time to time apply to this Court for advice and directions in the discharge of its powers and duties hereunder.

10. **THIS COURT ORDERS** that the Escrow Agent shall incur no liability or obligation as a result of its appointment or the carrying out the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part.

**The Escrow Assets**

11. **THIS COURT ORDERS** that the Mareva Order is varied to provide that the following assets shall be transferred or paid into escrow to the Escrow Agent in accordance with the terms of this Order:

- (a) Any and all funds held in the bank account of or controlled by the Escrow Respondent, Christopher Garrah, which he has received or is receiving as donations by way of the “Adopt-a-Trucker” website or etransfers by way of the email address [donations@adopt-a-trucker.ca](mailto:donations@adopt-a-trucker.ca);
  - (b) Any and all digital assets or cryptocurrency that are or were held in the digital wallets listed in paragraph 7 of Schedule “A” to the Mareva Order;
  - (c) Any and all digital assets or cryptocurrency that are or were held in the digital wallets listed in paragraph 9 of Schedule “A” to the Mareva Order
- (collectively subparagraphs 11(a) to (c) are the “**Escrow Assets**”).

**The Mareva Assets and the Respondents’ Assets**

12. **THIS COURT ORDERS** that, for the avoidance of doubt:

- (a) With the exception of the Escrow Assets, the remaining assets described in Schedule “A” to the Mareva Order (the “**Mareva Assets**”) remain subject to the Mareva Order until further Order of the Court; and
- (b) Paragraph 11 of the Mareva Order, which requires all banks, financial institutions, money service businesses, fundraising platforms or websites, cryptocurrency exchanges or platforms, or custodians of any cryptocurrency wallets (collectively the “**Intermediaries**”) to disclose and deliver up to the Plaintiffs any and all records held by the Intermediary concerning the Mareva Respondents’ assets, including the existence, nature, value and location of any monies or assets or credit, wherever situate, held by the Intermediaries (the “**Respondents’ Assets**”) remains in place. For greater certainty, the disclosure to be provided by the Intermediaries about the Respondents’ Assets is not and shall not be limited to information regarding the Mareva Assets.

**Christopher Garrah**

13. **THIS COURT ORDERS** that Christopher Garrah shall forthwith and by no later than March 9, 2022 take all steps necessary to transfer to the Escrow Agent all funds he has received or is receiving as donations by way of the “Adopt-a-Trucker” website or etransfers by way of the email address [donations@adopt-a-trucker.ca](mailto:donations@adopt-a-trucker.ca).

14. **THIS COURT ORDERS** that Christopher Garrah shall forthwith and by no later than March 9, 2022 provide to the Escrow Agent all passwords, private keys, seed word or phrase, usernames, access codes, keys, encryption solutions, or any other information in his power, possession, or control necessary to provide the Escrow Agent with access to and control of (a) any



and all of the wallets referred to in paragraph 7 of Schedule “A” to the Mareva Order; and (b) any wallets, accounts, persons, or places to which the assets listed in paragraph 7 of Schedule “A” have been transferred since the date of the Mareva Order.

**Benjamin Dichter**

15. **THIS COURT ORDERS** that Benjamin Dichter shall forthwith and by no later than March 9, 2022 provide to the Escrow Agent all passwords, private keys, seed word or phrase, usernames, access codes, keys, encryption solutions, or any other information in his power, possession, or control necessary to provide the Escrow Agent with access to and control of (a) any and all of the wallets referred to in paragraph 9 of Schedule “A” to the Mareva Order; and (b) any wallets, accounts, persons, or places to which the assets listed in paragraph 9 of Schedule “A” have been transferred since the date of the Mareva Order.

**Nicholas St. Louis**

16. **THIS COURT ORDERS** that Nicholas St. Louis shall forthwith and by no later than March 9, 2022 provide to the Escrow Agent all passwords, private keys, seed word or phrase, usernames, access codes, keys, encryption solutions, or any other information in his power, possession, or control necessary to provide the Escrow Agent with access to and control of (a) any and all of the wallets referred to in paragraph 9 of Schedule “A” to the Mareva Order; and (b) any wallets, accounts, persons, or places to which the assets listed in paragraph 9 of Schedule “A” have been transferred since the date of the Mareva Order.

**Escrow Assets to be held in Escrow**

17. **THIS COURT ORDERS** that the Escrow Agent shall hold the Escrow Assets in escrow until the final determination of this action or further order of this Court.

**Duty of Cooperation**

18. **THIS COURT ORDERS** that any and all persons with notice of this Order, including the Mareva Respondents and any banks, financial institutions, money service businesses, payment processors, fundraising platforms or websites, cryptocurrency exchanges or platforms, and custodians of any cryptocurrency wallets, shall cooperate and provide all reasonable assistance necessary to effect the transfer of Escrow Assets to the Escrow Agent.

19. **THIS COURT ORDERS** that Christopher Garrah, Benjamin Dichter and Nicholas St. Louis shall:

- (a) Cooperate with and provide all necessary assistance to the Escrow Agent to effect the transfer of the Escrow Assets to the Escrow Agent;
- (b) Cooperate with and provide the Escrow Agent with all assistance necessary to enable the Escrow Agent to carry out the Escrow Agent's duties and obligations pursuant to this Order;
- (c) Provide the Plaintiffs and the Escrow Agent with copies of any and all account records or other documentation related to Escrow Assets including all account records or other documentation with respect to the transfer of such funds pursuant to paragraph 13 to 16 above.
- (d) Advise the Escrow Agent of all steps taken by them in accordance with their obligations pursuant to paragraphs 13 to 16 above.

**Funding of the Escrow Agent**

20. **THIS COURT ORDERS** that the Escrow Agent shall be paid their reasonable fees and disbursements, in each case at their standard rates and charges unless otherwise ordered by the Court on the passing of accounts, out of the Escrow Assets and that the Escrow Agent shall be entitled to and is hereby granted a charge (the “**Escrow Charge**”) on the Escrow Assets, as security for such fees and disbursements, both before and after the making of this Order in respect of these proceedings, and that the Escrow’s Charge shall form a first charge on the Property in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any Person.

21. **THIS COURT ORDERS** that the Escrow Agent shall pass its accounts from time to time, and for this purpose the accounts of the Escrow Agent and its legal counsel are hereby referred to this Court.

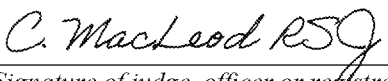
22. **THIS COURT ORDERS** that prior to the passing of its accounts, the Escrow Agent shall be at liberty from time to time to apply reasonable amounts, out of the Escrow Assets in its hands, against its fees and disbursements incurred at the standard rates and charges of the Escrow Agent and such amounts shall constitute advances against its remuneration and disbursements when and as approved by this Court.

**Next Attendance**

23. **THIS COURT ORDERS** that the Plaintiffs and the Mareva Respondents shall return to this Court on March 9, 2022 at 2:00 p.m.

24. **THIS COURT ORDERS** that the disclosure in paragraph 7 and the examinations described in paragraph 8 of the Mareva Order shall be scheduled or otherwise addressed by this Court on March 9, 2022 at 2:00 p.m.

25. **THIS COURT ORDERS** that this Order is and shall be immediately in effect upon issuance regardless of whether it has been formally entered.

  
\_\_\_\_\_  
(Signature of judge, officer or registrar)

ZEXI LI et al.  
Plaintiffs

-and- CHRIS BARBER et al.  
Defendants

Court File No. CV-22-00088514-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
PROCEEDING COMMENCED AT OTTAWA

**ORDER**  
**(EXTENSION OF MAREVA INJUNCTION)**

**LENCZNER SLAGHT LLP**

Barristers  
Suite 2600  
130 Adelaide Street West  
Toronto ON M5H 3P5

Monique J. Jilesen (43092W)

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Tel: (416) 865-9673

Email: [sbittman@litigate.com](mailto:sbittman@litigate.com)

Jessica Kras (77700K)

Tel: (416) 865-3718

Email: [jkras@litigate.com](mailto:jkras@litigate.com)

Acting as Agent to Champ & Associates, Counsel for  
the Plaintiff,  
Zexi Li

Email for parties served:

---

Jane Doe 1: [email]  
Jane Doe 2: [email]  
Chris Barber: [email]  
Norman Groot: ngroot@investigationcounsel.com  
Patrick King: patrickking@canada-unity.com  
James Bauder: [email]  
Brigitte Belton: [email]  
Daniel Bulford: [email]  
Dale Enns: [email]  
Chad Eros: [email]  
Miranda Gasior: [email]  
Joe Jansen: [email]  
Jason LaFace: [email]  
Tom Marazzo: [email]  
Ryan Mihilewicz: [email]  
Sean Tiessen: [email]  
Nicholas St. Louis, (a.k.a. @NOBODY CARIBOU):  
btcdiplomat1@tutanota.com  
John Doe 1 to John Doe 60: [email]  
Ewa Krajewska: ekrajewska@hhllp.ca  
Melissa Adams: melissa.adams@ontario.ca  
Catherine A. Lawrence:  
catherine.lawrence@justice.gc.ca

**TAB D**

*This is Exhibit " D " referred to in the  
Affidavit of Virginia Fletcher  
sworn before me, this 8th day of March, 2022*

---

*A Commissioner for taking Affidavits*



**CITATION:** Li et al. v. Barber et. al., 2022 ONSC 1351

**COURT FILE NO.:** CV-22-88514-CP

**DATE:** 2022/02/28

**SUPERIOR COURT OF JUSTICE – ONTARIO**

**Proceeding under the Class Proceedings Act, 1992**

**RE:** ZEXI LI, HAPPY GOAT COFFEE COMPANY INC, 7983794 CANADA INC.  
(c.o.b. as UNION: LOCAL 613) and GEOFFREY DEVANEY, Plaintiffs

**AND:**

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,  
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,  
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANSEN, JASON  
LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,  
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU), FREEDOM 2022  
HUMAN RIGHTS AND FREEDOMS, JOHN DOE 1, JOHN DOE 2, JOHN  
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58, JOHN DOE 59, JOHN DOE 60, JANE DOE 1 and JANE DOE 2, Defendants

**BEFORE:** Regional Senior Justice Calum MacLeod

**COUNSEL:** Monique J. Jilesen, & Paul Champ, for the Plaintiffs

Norman Groot, for the Mareva defendants Dichter, Lich, Garrah, St. Louis and  
Freedom 2022 Human Rights and Freedoms

Geoff Hall & Leah Ostler for the Toronto Dominion Bank

Melissa Adams, for the Attorney General of Ontario

**HEARD:** February 28, 2022

## **ENDORSEMENT**

[1] On February 17, 2022, I granted an *ex parte* Mareva injunction. Reasons were released on February 22, 2022. (2022 ONSC 1176). As set out in that decision, the purpose of a Mareva injunction is to restrain the dissipation of assets to which a plaintiff may have a claim. A motion without notice is justified only if it appears that such dissipation of assets is imminent. Such an order can only be made on a temporary basis until the parties that are affected have an opportunity to respond and to be heard.

[2] The injunction was scheduled to expire today unless it was renewed. The plaintiffs brought the necessary motion for such an extension. In response, affidavits were filed by Tamara Lich and four individuals who live in downtown Ottawa and/or attended and supported the Freedom Convoy events in downtown Ottawa (Messrs. Gagne, Bulford, McKinney & Renaud).

[3] Affidavits were also sworn by an investigator (Daina Slenys) and by Mr. Dichter, Mr. Garrah and Mr. St. Louis. The latter were in support of a proposal to transfer funds held by each of those parties to an escrow fund as a term of adjourning the motion. That proposal was put forward by Mr. Groot who has been retained by the Mareva defendants except for Patrick King (who is currently in custody and did not appear today). This resulted in agreement to a brief extension of the order with slightly modified terms and to postponing certain disclosure and examinations under oath contemplated by the original order.

[4] Mr. Bobby Kofman, President of the proposed escrow agent attended to advise that the terms of the proposed order were satisfactory and KSV Advisory Inc. is prepared to act as escrow agent.

[5] Counsel for the Attorney General of Ontario appeared to advise that the Attorney General has no objection to the transfer of these funds to an escrow agent. The funds in question do not appear to be funds subject to the Restraint Order granted by Associate Chief Justice McWatt pursuant to the *Criminal Code* but in any event will be held by the escrow agent until further order of the court.

[6] Counsel for the TD Bank appeared because the bank holds certain funds that may be caught by either the restraint order or the Mareva injunction or both. The Bank intends to bring an interpleader motion to pay those funds into court. Counsel for the Bank does not oppose the order sought today.

[7] There was some discussion about whether the plaintiff would be required to bring a new motion on the return date. I agree with counsel for the plaintiff that it is not necessary to do so. I can adjourn the motion before the court today to the new return date on terms. Those terms are the temporary extension and modification of the Mareva injunction as set out in the consent order. The motion will therefore be adjourned until March 9, 2022, at 2:00 p.m. It will continue as a virtual hearing on the Zoom videoconference platform.

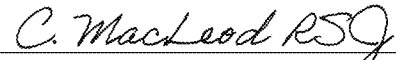
[8] I reiterate that this court proceeding is concerned with potential civil liability for the organizers, funders and participants in the Freedom Convoy to residents, businesses and employees in central Ottawa who were adversely affected. It is independent and separate from any of the criminal processes that may be underway.

[9] The injunction is concerned with preservation of assets that may be available to provide compensation if compensation is ultimately ordered.

[10] I will reserve further comment until the motion returns before the court on March 9.

[11] **This court therefore orders and directs as follows:**

- a. This motion is adjourned to March 9, 2022, at 2:00 p.m. to continue by way of videoconference on the Zoom platform provided by the court.
- b. On consent, and without prejudice to the rights of the parties, the Mareva injunction is extended and varied as set out in the formal order signed by me today.
- c. Costs of today, if any, are reserved to the hearing of the motion.



Mr. Justice C. MacLeod

**Date:** February 28, 2022

**CITATION:** Li et al. v. Barber et. al., 2022 ONSC 1351  
**COURT FILE NO.:** CV-22-88514-CP  
**DATE:** 2022/02/28

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**RE:** ZEXI LI, HAPPY GOAT COFFEE  
COMPANY INC, 7983794  
CANADA INC. (c.o.b. as  
UNION: LOCAL 613) and  
GEOFFREY DEVANEY, Plaintiffs

**AND:**

CHRIS BARBER, BENJAMIN  
DICHTER, TAMARA LICH,  
PATRICK KING, JAMES BAUDER,  
BRIGITTE BELTON, DANIEL  
BULFORD, DALE ENNS, CHAD  
EROS, CHRIS GARRAH, MIRANDA  
GASIOR, JOE JANSEN, JASON  
LAFACE, TOM MARAZZO, RYAN  
MIHILEWICZ, SEAN TIESSEN,  
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DOE 60, JANE DOE 1 and JANE DOE  
2, Defendants

**BEFORE:** Regional Senior Justice Calum MacLeod

**COUNSEL:** Monique J. Jilesen, & Paul Champ, for  
the Plaintiffs

Norman Groot, for the Mareva  
defendants Dichter, Lich, Garrah, St.  
Louis and Freedom 2022 Human Rights  
and Freedoms

Geoff Hall & Leah Ostler for the Toronto  
Dominion Bank

Melissa Adams, for the Attorney General  
of Ontario

---

**ENDORSEMENT**

---

Regional Senior. Justice C. MacLeod

**Released:** February 28, 2022

**TAB E**

*This is Exhibit " E " referred to in the  
Affidavit of Virginia Fletcher  
sworn before me, this 8th day of March, 2022*

---

*A Commissioner for taking Affidavits*

ZEXI LI, et al.      CHRIS BARBER, et al.  
Plaintiffs      and      Defendants

Court File No.: CV-22-00088514-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Ottawa

**AFFIDAVIT OF VIRGINIA FLETCHER**  
**(Sworn March 8, 2022)**

**McCarthy Tétrault LLP**  
Suite 5300, Toronto Dominion Bank Tower  
Toronto ON M5K 1E6

**Geoff Hall** LSO#: 34701O  
[ghall@mccarthy.ca](mailto:ghall@mccarthy.ca)  
Tel: 416-601-7856

**Leah Ostler** LSO#: 73301C  
[lostler@mccarthy.ca](mailto:lostler@mccarthy.ca)  
Tel: 416-601-8285

Lawyers for the Interested Party  
The Toronto-Dominion Bank



ZEXI LI, et al.  
Plaintiffs and CHRIS BARBER, et al.  
Defendants

Court File No.: CV-22-00088514-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Ottawa

**MOTION RECORD  
OF THE INTERESTED PARTY  
THE TORONTO-DOMINION BANK**

**McCarthy Tétrault LLP**  
Suite 5300, Toronto Dominion Bank Tower  
Toronto ON M5K 1E6

**Geoff Hall** LSO#: 34701O  
[ghall@mccarthy.ca](mailto:ghall@mccarthy.ca)  
Tel: 416-601-7856

**Leah Ostler** LSO#: 73301C  
[lostler@mccarthy.ca](mailto:lostler@mccarthy.ca)  
Tel: 416-601-8285

Lawyers for the Interested Party  
The Toronto-Dominion Bank